

**MINUTES-REGULAR MEETING
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KANSAS
MONDAY, SEPTEMBER 15, 2014**

The Goddard City Council met in a Regular Session at Goddard City Hall on Monday, September 15, 2014 at 7:00 p.m. with Mayor Marcey Gregory presiding. Mayor Gregory provided the invocation. Council members present were Joe Torske, Larry Zimmerman, Clayton Applegate, and Jamey Blubaugh. Councilmember Hahn was absent.

Also present were: Brian Silcott, City Administrator; Teri Laymon, City Clerk; Justin Givens, Community Development Director; Sam Houston, Police Chief; Tylor Struckman, Public Works Operations Manager; Matt Lawn, City Treasurer; Harlan Foraker, City Engineer and Thomas Docking, City Attorney.

APPROVAL OF THE AGENDA

Mayor Gregory requested the addition of item H.8 Approval of Cereal Malt Beverage special event.

MOTION: Councilmember *Torske* moved to approve the agenda as amended. Councilmember *Blubaugh* seconded the motion. The motion carried unanimously.

CITIZENS' COMMENTS

Bentley Blubaugh, 2226 Eastridge Court, suggested playing a live webcast of local football games on Channel 7 for people who may not be able to attend. Blubaugh said it would be a benefit to the community.

PROCLAMATIONS AND AWARDS

Marcey Gregory presented the Goddard Gratitude Award to Richard Rose for volunteering his time and efforts in order to make Goddard a better place to live, work and visit.

CONSENT AGENDA

The City Clerk submitted for approval, the minutes of the regular meeting dated September 2, 2014 and two lists of accounts payable totaling \$141,748.33.

MOTION: Councilmember *Blubaugh* moved to approve the consent agenda as presented. Councilmember *Torske* seconded the motion. The motion carried unanimously.

COMMUNITY IMPROVEMENT DISTRICT "CID" PUBLIC HEARING

Mayor Gregory opened the public hearing for determining the advisability of creating a community improvement district in the City of Goddard, Kansas to be known as the Goddard Olympic Park Community Improvement District and to approve levying a 1% sales tax for improvements.

Brian Silcott reviewed the background of previous actions related to the STAR Bond & CID as follows:

- November 5, 2012 Council sets a public hearing date to create a STAR Bond District (R-12-14)
- December 17, 2012 City Council conducts public hearing to create the Goddard STAR Bond District
- December 17, 2012 Council creates the Goddard STAR Bond District (Ord. 736)
- January 16, 2013 Secretary of Commerce approves the Goddard STAR Bond District
- October 1, 2013 Planning Commission found the STAR Bond Project Plan to be in conformance with the City's Comprehensive Plan.
- October 7, 2013 Council sets a public hearing to consider adopting the STAR Bond Project Plan (R-13-08)
- November 18, 2013 Council Conducts a public hearing on the STAR Bond Project
- April 21, 2014 Council approves the STAR Bond Project Plan (Ord. 755)
- April 21, 2014 Council approves the Development Agreement (Ord. 755)
- May 8, 2014 Secretary of Commerce approves the Project Plan
- August 22, 2014 CID petition to levy 1% sales tax filed with City Clerk Laymon by the property owner.
- August 25, 2014 City Council sets a public hearing date to create a CID (R-14-13)
- Times-Sentinel News publishes R-14-13 on August 28th, September 4th & 11th

Mayor Gregory asked if anyone would like to address the Council. There being none, Councilmember Zimmerman asked Brian Silcott to explain the CID to the audience.

Silcott explained that the 1% sales tax is a self-imposed tax by the property owners to finance the acquisition, construction of improvements, costs, and services within the CID. These items may include, but not limited to: land acquisition, infrastructure related items, sidewalks, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs, private financing costs, and the petitioners' administrative costs in establishing and maintaining the CID, and any other items permitted to be financed within the CID under the Act.

There were questions and discussions among certain people in the audience regarding drainage from the Pate Addition. Councilmember Blubaugh called the meeting to order.

Mayor Gregory closed the public hearing.

CONSIDER AN ORDINANCE CREATING THE COMMUNITY IMPROVEMENT DISTRICT

Brian Silcott stated the purposed ordinance takes the necessary actions to authorize the levy of a 1% local sales tax within the western most parcel of the STAR Bond District. The project is to

promote the development of a mixed-use project including an aquatic center, athletic fields, hotel, and other commercial uses.

The estimated project cost is \$64,042,315 with additional 1% City administrative fee for the monitoring, accounting, and administration of the tax. Upon approval by the City Council, the City will create a special revenue fund to be titled “*Goddard Olympic Park CID Sales Tax Revenue Fund*.”

Thereupon an Ordinance was submitted entitled:

AN ORDINANCE OF THE CITY OF GODDARD ESTABLISHING THE GODDARD OLYMPIC PARK COMMUNITY IMPROVEMENT DISTRICT; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; LEVYING A 1.00% CID SALES TAX AND PROVIDING FOR THE METHOD OF FINANCING THE SAME.

MOTION: Councilmember *Blubaugh* moved to waive the reading of the ordinance. Councilmember *Torske* seconded the motion. The motion carried unanimously.

MOTION: Councilmember *Blubaugh* moved to adopt said ordinance. Councilmember *Applegate* seconded the motion.

- **Roll Call Vote:**

Torske-Yes, Zimmerman-Yes, Applegate-Yes, Blubaugh-Yes

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance 759. The Ordinance was directed to be published one time in the official newspaper of the City.

CONSIDER STAR BOND ISSUANCE ORDINANCE

Brian Silcott stated the purposed ordinance authorizes the sale an amount not to exceed \$31,000,000 in special revenue STAR bonds. Silcott explained that the ordinance states that city legal and administrative staff have reviewed and approve as to form the Bond Trust Indenture, STAR Bond District Tax Distribution Agreement, Bond Purchase Agreement, and Tax Compliance Agreement. It also authorizes the Mayor and city staff to execute and deliver the bonds to the Bond Trustee and to perform all administrative tasks to make the transaction in accordance with the ordinance and documents. The ordinance also authorizes the Mayor, city’s financial advisor, bond counsel, and city staff to take appropriate action to comply with the intent of the ordinance.

Silcott added that the STAR Bond revenue component consists of 6.15% State of Kansas sales tax collected in the STAR Bond District, 1% Sedgwick County sales tax collected in the STAR Bond District, 1% Goddard sales tax, 6% Transient Guest Tax collected in the STAR Bond District, and a 1% CID sales tax collected in the western most parcel, which will be later subdivided and the tax applied to those retail locations.

Thereupon an Ordinance was submitted entitled:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GODDARD, KANSAS, AUTHORIZING THE ISSUANCE OF ITS SALES TAX SPECIAL OBLIGATION REVENUE BONDS (OLYMPIC PARK STAR BOND PROJECT) IN ONE OR MORE SERIES FOR THE PURPOSE OF FINANCING CERTAIN COSTS RELATING TO A STAR BOND PROJECT PLAN; AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

MOTION: Councilmember *Torske* moved to waive the reading of the ordinance. Councilmember *Zimmerman* seconded the motion. The motion carried unanimously.

MOTION: Councilmember *Torske* moved to adopt said ordinance. Councilmember *Applegate* seconded the motion.

Roll Call Vote: Torske-Yes, Zimmerman-Yes, Applegate-Yes, Blubaugh-Yes

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance 760. The Ordinance was directed to be published one time in the official newspaper

CONSIDER THE 2014 AMENDED GOVERNING BODY WORK PLAN

Brian Silcott, City Administrator, submitted an amended 2014 work plan that the Governing Body developed in a series of meetings earlier this year. The plan was adopted with the understanding that a plan evolves and that amendments would be made. Silcott stated the proposed plan includes additional items not previously on the original document.

It was the consensus of the governing body to approve the 2014 amended Governing Body work plan.

CONSIDER BAALMANN RESIDENTIAL PLAT

Justin Givens, Community Development Director stated at their September 11, 2014 meeting, the Goddard Planning Commission made a unanimous recommendation to the Governing Body for Approval of the Baalman First Addition Plat.

Givens explained that in 2009 the property owners of the proposed plat petitioned the city for annexation. As part of the agreement for annexation, allowances were made for two homesteads to be built on the property. Givens presented a plat for one of those homestead sites. Givens said the site itself is roughly five acres that has been platted out of an approximately 150 parcel of land. The property under consideration sits on the north side of Maple Street across from lots 29 thru 34 Block B of the Spring Hill Addition. Givens added that the plat as presented meets all requirements of the City of Goddard for platting.

MOTION: Councilmember *Torske* moved to approve the Baalman First Addition plat as presented. Councilmember *Blubaugh* seconded the motion. The motion carried unanimously.

APPOINTMENT OF DELEGATES FOR LEAGUE OF MUNICIPALITIES MEETING

Brian Silcott recommended the City Council consider electing City of Goddard voting delegates to the League of Kansas Municipalities (LKM) 107th annual conference in Wichita, Kansas, October 11 through October 13. Silcott stated the League of Kansas Municipalities' bylaws prescribes the total number of votes provided to each member city based on population. Silcott said the number of voting delegates for Goddard is two and may be selected from among the city's officers to represent the city in the conduct and management of the affairs of the League of Kansas Municipalities.

MOTION: Councilmember *Torske* moved to appoint Mayor Marcey Gregory and Councilmember Zimmerman as voting delegates. Councilmember *Applegate* seconded the motion. The motion carried unanimously.

APPROVAL OF ACCESSIBILITY SIGNAGE

Brian Silcott stated the International Symbol of Accessibility (ISA) was created in 1968 and has been used for almost 50 years. The Accessible Icon Project recently revamped the ISA by giving it a more active look. Approval of the new sign would be a symbolic way for council to show its commitment to promoting an active lifestyle for all citizens. If adopted, Goddard would be the first City in the mid-west and likely in the country to have all City accessible signs updated to the modified ISA.

Silcott said purchasing through the city's current sign vendor; the signs would cost \$16.00 each for a total cost of \$206.60. Silcott recommended allocating the expenditure to fund 10-320-8521.

MOTION: Councilmember *Blubaugh* moved to authorize the purchase of new accessibility signage as presented. Councilmember *Torske* seconded the motion. The motion carried unanimously.

WASTEWATER TREATMENT FACILITY STORAGE SHED DESIGN

Tylor Struckman stated staff is currently dosing the basins with Aluminum Chlorohydrate (ACH) to help mitigate the total high phosphorus numbers that we continue to produce. The ACH is different from the Ferric Chloride that we had been using because it is much less corrosive to the system and will not damage the equipment and pipes within the WWTF. Struckman explained that unlike Ferric Chloride the ACH does have a freeze point and needs to be climate controlled during the winter months.

Struckman recommended constructing a small shed with electricity to store the ACH. The electricity will be used to run the pump to dose the ACH into the basins, as well as to use a portable space heater for climate control. Struckman presented the scope and bids of the project and showed pictures of three different shed designs. Struckman added that WWTF personnel would have to assemble the shed from Home Depot, which could take three to four weeks.

Struckman recommended the purchase of the Derksen treated utility shed in the amount of \$2,050 and using Atlas Electric to run the electrical work for \$1,100. Struckman stated city staff can pour the concrete pad for approximately \$360.00. With staff recommendations, the total

project cost including a 10% contingency would be \$3,861. Struckman recommended allocating the project cost to the Sewer Reserves Fund.

MOTION: Councilmember *Blubaugh* moved to authorize the construction of the storage shed as recommended. Councilmember *Torske* seconded the motion. The motion carried unanimously.

HEALTH NUISANCE CODE

Justin Givens stated that as part of an ongoing review of the Goddard Municipal Code, staff is presenting separate sections of the code for review and comment.

Givens said Chapter 8, Article 2 of the Goddard Municipal Code deals with Health Nuisances within the city. The code itself is a model code based on the League of Kansas Municipalities standard template. The code was codified in 2001 and defines what a nuisance is, the process of the enforcing the violations, and the process of abating those violations.

Givens stated that if a nuisance is not a life threatening situation staff will send an informal letter to the property owner stating what the violation is and asking them to abate the conditions that are causing the violation. If no action is taken staff will then send a registered letter to the violator informing them that they have 10 days to either abate the conditions or request a hearing before the governing body. Fines for failure to abate conditions start at \$100.00 per day or up to 30 days in jail and each day is a separate offense. The statute also provides a process in which the city may abate a violation and all costs associated with that be charged to the property owner.

Givens asked for the City Council to provide comment and direction for changes if any they would like to see to this section of the Municipal Code.

Councilmember Zimmerman asked if the City Code allows railroad ties to be used for landscaping. Givens said if it were used for landscaping it would not be a code violation, but if it were stacked in a pile, it would be.

Council Torske expressed his concern that other government entities may allow something that is not allowed in the City Code.

No action was taken

AUGUST FINANCIAL REPORT

Matt Lawn presented the August Financial Report.

THIRD QUARTER TRANSFERS

Matt Lawn presented the proposed third quarter transfers for the City Council's approval.

MOTION: Councilmember *Torske* moved to authorize the third quarter transfers as presented. Councilmember *Applegate* seconded the motion. The motion carried unanimously.

CONSIDER A CEREAL MALT BEVERAGE SPECIAL EVENT

Jamey Blubaugh, President of the Goddard Chamber of Commerce requested the City Council to approve a cereal malt beverage special event for the Fall Festival October 3 thru October 4.

Blubaugh said he would like to start around noon to 1:00 p.m. but explained that the permit is from Friday to Saturday in order to purchase the beer on Friday. Discussion ensued regarding the start and ending time to sell beer.

MOTION: Councilmember *Torske* moved to approve the special event permit with the same guidelines as last year (selling from 3:00 p.m. to 11:00 p.m. on Saturday October 4, 2014) Councilmember *Zimmerman* seconded the motion. The motion carried 3-1.

CITY ADMINISTRATORS REPORT

Brian Silcott reviewed the following City Administrator's Report dated September 15, 2014:

To: Honorable Mayor and City Council
From: Brian W. Silcott, City Administrator
Cc: Department Directors & Staff
Re: City Administrator Report for the week of September 15th
Date: September 15, 2014

Honorable Mayor and City Council;

Below is a highlight of items of note for the week of September 15th through September 21st a more detailed report will follow.

STAR Bond Zoning: The Planning Commission will meet in a special meeting to conduct a public hearing for the creation of a CID on September 18th at 7pm. The City Council will take action on the zoning at the October 6th regular meeting.

Governing Body Retreat: The retreat date has been set for Saturday, November 1st. The retreat will run from 9am until 4pm with a working lunch. Dr. John Nalbandian will facilitate. He will focus on the effective partnership between elected officials and staff, expectations and obligations between the city council and staff to implement good policy and governance, planning & goal setting. Dr. Nalbandian has served as a City Councilor and Mayor for the City of Lawrence. He has an international reputation as a professor of public administration with an emphasis on Governing Body-Staff relations.

183rd & Kellogg (North) Intersection: The area where the frontage road intersects into 183rd and where 183rd tapers into Kellogg is in need of repair. Staff is working to gather a couple of options for the Council to consider. The work will take several days to accommodate school traffic and will require lane closure while the work is being performed. We are working to close one lane each day while the surface layer is milled off. A partial closure will need to occur when the asphalt is overlaid and the taper is put in place for Kellogg. I hope to have something to present in October.

Respectfully Submitted,

Brian

Brian W. Silcott,
City Administrator

GOVERNING BODY COMMENTS

Councilmember Applegate asked when Orscheln Farm and Home is opening. Justin Givens said he believed they would be opening next week.

Councilmember Zimmerman asked if there was any new information available regarding the truck stop. Brian Silcott said the tax sale was today and said he will follow up with Sedgwick County tomorrow.

Mayor Gregory announced that the monthly staff birthday lunch is this Thursday.

ADJOURNMENT

MOTION: Councilmember *Torske* moved to adjourn the regular meeting.
Councilmember *Zimmerman* seconded the motion. The motion carried
unanimously.

*Meeting adjourned at 8:21 p.m.
Teri Laymon, City Clerk*